

08 CIV 3815

5-838579
UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

MAERSK LINE,
-----X

Plaintiff,

- against -

RAMS IMPEX INC.,
-----X

Defendant.



Plaintiff MAERSK LINE, by its attorneys, LAW OFFICES OF ALBERT J. AVALLONE & ASSOCIATES, as and for its Complaint against defendant RAMS IMPEX INC., in personam, in a cause of action civil and maritime, alleges upon information and belief:

1. This is an admiralty and maritime claim within the meaning of Rule 9(h) of the Federal Rules of Civil Procedure, and the Ocean Shipping Reform Act of 1999, 46 U.S.C., App. Section 1701, et seq.
2. At all times hereinafter mentioned, plaintiff MAERSK LINE was and still is a corporation duly organized and existing under the laws of the State of Delaware with offices and a place of business at 6000 Carnegie Blvd., Charlotte, NC 28209.
3. Upon information and belief and at all times hereinafter mentioned, defendant had and now has the legal status and place of business as set forth in Schedule A.
4. On or about the dates and at the ports of shipment stated in Schedule A, certain goods were delivered to plaintiff to be carried to the ports of destination and at the agreed charges to be paid by defendant pursuant to plaintiff's published tariff, all as set forth in Schedule A.
5. Thereafter, the goods were carried to the ports of destination and delivered to the consignee and/or its agents.

6. Plaintiff has performed all duties and obligations required to be performed by plaintiff.

7. Defendant has failed and refused and continues to fail and refuse to remit payment of \$19,793.00, although duly demanded.

8. By reason of the foregoing, plaintiff has sustained damages in the amount of \$19,793.00 which, although duly demanded, have not been paid.

WHEREFORE, plaintiff prays:


1. For judgment in the amount of plaintiff's damages, together with interest thereon, costs, disbursements and a reasonable attorney's fee.

2. That process in due form of law according to the practice of this Court in cases of admiralty and maritime jurisdiction may issue against the defendants citing them to appear and answer all the singular matters aforesaid.

3. That plaintiff have such other and further relief in the premises as in law and justice it may be entitled to receive.

Dated: New York, New York
April 17, 2008

LAW OFFICES OF
ALBERT J. AVALLONE & ASSOCIATES

By 
Albert J. Avallone - AA1679
Attorneys for Plaintiff
MAERSK LINE
551 Fifth Avenue, Suite 1625
New York, NY 10176
(212) 696-1760

I. Defendant's status & address:

A. Upon information and belief and at all times hereinafter mentioned, defendant RAMS IMPEX INC. was and still is a corporation organized and existing under the laws of the State of New Jersey, doing business in the State of New York, with offices and a place of business at 421 7th Avenue, Suite 1104, New York, NY 10001.

II. Details of shipment(s):

1. Bill of Lading No. 524653395, dated February 28, 2008, from New York to Kandla on the Vessel MAERSK DOUGLAS, three (3) forty-foot containers SAID TO CONTAIN: WASTE PAPER, at the applicable tariff charge of \$8,183.00 (Exhibit A).

Amount Paid: \$0

Amount Due: \$8,183.00

2. Bill of Lading No. 524688228, dated February 28, 2008, from Newark to Kandla on the Vessel MAERSK DOUGLAS, five (5) forty-foot containers SAID TO CONTAIN: WASTE PAPER, at the applicable tariff charge of \$7,105.00 (Exhibit B).

Amount Paid: \$0

Amount Due: \$7,105.00

3. Bill of Lading No. 524935878, dated February 28, 2008, from Newark to Jawaharlal Nehru on the Vessel MAERSK DOUGLAS, two (2) forty-foot containers SAID TO CONTAIN: WASTE PAPER, at the applicable tariff charge of \$1,822.00 (Exhibit C).

Amount Paid: \$0

Amount Due: \$1,822.00

containers SAID TO CONTAIN: WASTE PAPER, at the applicable tariff charge of
\$2,683.00 (Exhibit D).

Amount Paid: \$0

Amount Due: \$2,683.00

III. Total Amount Due: \$19,793.00

EXHIBIT "

BILL OF LADING FOR OCEAN TRANSPORT
OR MULTIMODAL TRANSPORT

MAEU
1524688228

| | | | |
|--|---|---|--|
| Shipper: RAMS IMPEX INC. 423 7TH AVE, SUITE 1104 NEW YORK, NY10001 | | Booking No. 524688228 | |
| | | Export reference: RI/TP/MW/01/28/08 | |
| | | Onward inland routing (This part of Carriage is defined in clause 1. For account and risk of Merchant) | |
| Consignee (negotiable only if consigned "to order", "to order of" a named Person or "to order of bearer") TO ORDER | | Party Party (see clause 22) TIRTHAK PAPER MILL PVT.LTD. LILAPAR ROAD, MORBI 363641 INDIA. GUJARAT, INDIA. | |
| Vessel (see clause 1 - 19) MAERSK DOUGLAS | Voyage No. 0803 | Place of Receipt. Applicable only when document used as Multimodal Transport B/L. (see clause 1) | |
| Port of Loading Newark | Port of Discharge Kandla, India | Place of Delivery. Applicable only when document used as Multimodal Transport B/L. (see clause 1) | |

PARTICULARS FURNISHED BY SHIPPER

5 containers said to contain 195 BALES.

"MIX WASTE PAPER"

118706 KG
118,706 MT

AES-ITN: X20080128049421

MSKU8858497 ML-NONE 40 DRY 9'6 40 BALES 53600 US LBS 1412.580 CFT
Shipper Seal : 0839143

MSKU8472400 ML-NONE 40 DRY 9'6 39 BALES 52200 US LBS 1412.580 CFT
Shipper Seal : 7030063

MSKU9505128 ML-NONE 40 DRY 9'6 36 BALES 48940 US LBS 1412.580 CFT
Shipper Seal : 7030006

MSKU9926359 ML-NONE 40 DRY 9'6 42 BALES 55320 US LBS 1412.580 CFT
Shipper Seal : 0839234

KNLU5045380 ML-NONE 40 DRY 9'6 38 BALES 51640 US LBS 1412.580 CFT
Shipper Seal : 0839201

SHIPPER'S LOAD, STOW, WEIGHT AND COUNT

Share participants as directed by Shoup, but without responsibility if a representation by Corner does cause a

| Freight & Charges | Rate | Unit | Currency | Prepaid | Collect |
|---------------------------------|---------|--------------------|----------|---------|----------|
| Basic Ocean Freight | 1400.00 | Per Container | USD | 7000.00 | |
| Container Cleaning | 1000.00 | Per Container | INR | | 5000.00 |
| Equipment Damage | 400.00 | Per Container | INR | | 2000.00 |
| Documentation Fee - Destination | 2000.00 | Per Bill of Lading | INR | | 2000.00 |
| Handling Charge - Destination | 5600.00 | Per Container | INR | | 28000.00 |
| Export Service Charge | 25.00 | Per Bill of Lading | USD | 25.00 | |
| Manual Documentation Process | 25.00 | Per Bill of Lading | USD | 25.00 | |

| | |
|--|------------------------|
| Redund (see clause 1) and (4). Total number of containers or packages received by Carrier. | File of Issue of Bill. |
| 5 container(s) | The Woodlands |
| Number & Sequence of Original B/L's. | Date of Issue of B/L. |
| THREE/3 | 2008-02-28 |
| Declared Value (see clause 7.3) | Shipped to (see) Date |
| | 2008-01-26 |

ALLOWED FREETIME AS PER THE CARRIERS TARIFF. IN ADDITION HERETO, THE SHIPMENT UNDER THIS BILL OF LADING SHALL ENJOY AN ADDITIONAL FREETIME OF 10 DAYS.

FREIGHT PREPAID

THE MERCHANT AGREES TO FURNISH COPY OF CUSTOMS CLEARED BILL OF ENTRY FOR CARGO COVERED BY THIS TRANSPORT DOCUMENT AND TO PAY ON DEMAND TO THE CARRIER OR HIS AGENT STAMP DUTY, WHERE APPLICABLE, ON CARGO RELEASE ORDERS, SUCH AS BUT NOT LIMITED TO DELIVERY ORDERS AND ADMINISTRATION CHARGES THERE ON, AS ISSUED BY THE CARRIER/VESSEL'S AGENTS AGAINST THIS TRANSPORT DOCUMENT.

| Freight & Charges | Rate | Unit | Currency | Weight | Cost |
|-------------------------------|------|---------------|----------|---------|----------|
| Port Security Charge - Export | 5.00 | Per Container | USD | | 25.00 |
| Carrier Security Charge | 6.00 | Per Container | USD | | 30.00 |
| Total INR | | | INR | | 37000.00 |
| Total USD | | | USD | 7105.30 | |

| | | |
|--|--|--|
| Shipper RAMS IMPEX, INC. 421 7TH AVENUE, SUITE, 1104 NEW YORK, NY10001 | | Booking No. 524935878 |
| Consignee (negotiable only if consigned "to order", "to order of" a named Person or "to order of (owner)") TO ORDER | | Export reference RI/TCP/MW/01/28/08 |
| Consignee (negotiable only if consigned "to order", "to order of" a named Person or "to order of (owner)") TO ORDER | | Freight 50620 |
| Vessel (see clause 1) - 230 MAERSK DOUGLAS | | Overall inland routing (Not part of Carriage as defined in clause 1. For security and risk of Merchants) Rec'd Party (see clause 2.1) TEC PAPER PVT. LTD THOL VILLAGE ROAD KADI SANAND ROAD DIST.MEHSANA 382328 GUJARAT, INDIA. PHONE: 91-2764-274572 TECPAPER@GMAIL.COM |
| Port of Loading Newark | | Place of Receipt. Applicable only when document used as Multimodal Transport B/L. (see clause 1) Place of Delivery. Applicable only when document used as Multimodal Transport B/L. (see clause 1) Jawaharal Nehru |
| Vessel (see clause 1) - 230 MAERSK DOUGLAS | | Vessel No. 0803 |
| Port of Discharge Jawaharal Nehru | | Place of Delivery. Applicable only when document used as Multimodal Transport B/L. (see clause 1) Jawaharal Nehru |

PARTICULARS FURNISHED BY SHIPPER

2 containers said to contain 76 BALES

"MIX WASTE PAPER"

109820LBS

49814KG

49.814MT

AES-ITN: X20080128049422

40 DRY 9'6 41 BALES 54820 US LBS 1412.580 CFT

40 DRY 9'6 35 BALES 55000 US LBS 1412.580 CFT

SHIPPER'S LOAD, STOW, WEIGHT AND COUNT

THESE COMMODITIES, TECHNOLOGY, OR SOFTWARE WERE EXPORTED FROM THE UNITED STATES IN ACCORDANCE WITH THE EXPORT ADMINISTRATION REGULATIONS.

DIVERSION CONTRARY TO U.S.LAW PROHIBITED.

ALLOWED FREETIME AS PER THE CARRIERS TARIFF.IN ADDITION HERETO, THE SHIPMENT UNDER THIS BILL OF LADING SHALL ENJOY AN ADDITIONAL FREETIME OF 10 DAYS.

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This transport document has one or more numbered attachments

Maersk Inc. - Woodlands

EXHIBIT "C"

FREIGHT PREPAID

| Freight & Charges | | Rate | Unit | Currency | Amount | Notes |
|-------------------------------|---------|--------------------|------|----------|---------|----------|
| Handling Charge - Destination | 5310.00 | Per Container | | INR | | |
| Export Service Charge | 25.00 | Per Bill of Lading | | USD | | |
| Manual Documentation Process | 25.00 | Per Bill of Lading | | USD | | |
| Port Security Charge - Export | 5.00 | Per Container | | USD | | 25.00 |
| Carrier Security Charge | 6.00 | Per Container | | USD | | 25.00 |
| | | | | INR | | 10.00 |
| | | | | USD | | 12.00 |
| Total INR | | | | | | 15390.00 |
| Total USD | | | | | 1822.00 | |

SHIPMENT UNDER THIS BILL OF LADING SHALL ENJOY AN ADDITIONAL FREETIME OF 10 DAYS.

FREIGHT PREPAID

CY/CY

| Freight Charge | Rate | Unit | Currency | Prepaid | Collect |
|-------------------------------|----------|--------------------|----------|---------|-----------|
| Handling Charge - Destination | 5470.00 | Per Container | INR | | 16410.00 |
| Handling Charge - Destination | -5310.00 | Per Container | INR | | -15930.00 |
| Manual Documentation Process | 25.00 | Per Bill of Lading | USD | 25.00 | |
| Port Security Charge - Export | 5.00 | Per Container | USD | 15.00 | |
| Carrier Security Charge | 6.00 | Per Container | USD | 18.00 | |
| Total INR | | | INR | | 22860.00 |
| Total USD | | | USD | 2683.00 | |